

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN ASSEMBLY JUNE 15, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 26, 2010

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 959

Introduced by Senator Ducheny

(Principal coauthor: Assembly Member Caballero)

February 5, 2010

An act to add Section 65923, 65923.1, 65923.2, 65923.3, and 65923.4 to, and to add Article 4 (commencing with Section 65946) to Chapter 4.5 of Division 1 of Title 7 of, the Government Code, relating to development, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 959, as amended, Ducheny. Development: expedited permit review.

(1) The Permit Streamlining Act requires each state agency and local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project, and requires a public agency that is the lead agency for a development project, or a public agency which is a responsible agency for a development project that has been approved by the lead agency, to approve or disapprove the project within applicable periods of time.

The act also requires any state agency which is the lead agency for a development project to inform the applicant that the Office of Permit Assistance has been created to assist, and provide information to, developers relating to the permit approval process.

This bill would require the office to provide information to developers explaining the permit approval process at the state and local levels, or assisting them in meeting statutory environmental quality requirements, and would *prohibit the office or the state from incurring any liability as a result of the provision of this assistance*. The bill would require the office to assist state and local agencies in streamlining the permit approval process. The bill would authorize the office to call a conference of parties *at the state level* to resolve questions or mediate disputes arising from a permit application for a development project.

This bill would require the office to develop guidelines providing technical assistance to local agencies for the establishment and operation of an expedited development permit process, and would require the guidelines to contain specified ~~elements~~ *components*. The bill would also require the office, upon appropriation by the Legislature, to provide grants and technical assistance to cities and counties for the establishment of an expedited development permit process according to the guidelines. The bill would further require a city or county that receives a grant to enact an ordinance adopting an expedited development permit process according to the guidelines within 10 months of the date of receipt of the grant.

This bill would also require the office, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, to develop a consolidated project information form to be used by applicants for development projects. The bill would require the form to collect sufficient information to allow a state agency with development project permitting responsibilities to use the form to determine whether or not the project will be subject to its permitting requirements. The bill would establish a notification process requiring, with specified time periods, that the office distribute the form to state agencies with development project permitting responsibilities, that those agencies determine whether the project will require permitting and notify the office of that determination, and that the office, in turn, notify the applicant in writing of any state permits required for the project and provide any applications for those permits supplied by those agencies.

This bill would authorize the office to charge the applicant fees for the above-described services, not to exceed the estimated reasonable

cost of their provision, and would require the office to adopt or amend regulations to provide for these fees prior to charging or levying them.

The bill would require a city, county, or city and county with a population of 100,000 or more, upon the request of an applicant, to designate an administrative entity, as defined, to serve as the applicant's single point of contact with the local agency with respect to all applications and permits required by the local agency for the applicant's commercial or industrial development project. The administrative entity would be required to provide the applicant information regarding the status of, and to coordinate the review and decisionmaking process with respect to, the applications and permits required by the local agency for the development project. The bill would require the administrative entity, upon the request of the applicant, to coordinate with the office regarding any applications or permits required by the state for the development project, ~~and authorize the administrative entity, upon the request of the applicant, to coordinate the review and decisionmaking process with special districts and with administrative entities designated by other local agencies, in specified circumstances.~~ The bill would authorize a city, county, or city and county to charge a fee to defray costs incurred by the administrative entity in providing the above-described services to the applicant. By establishing a new requirement on specified local agencies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65923 is added to the Government Code,
- 2 to read:
- 3 65923. (a) There is within the Office of Planning and Research
- 4 the Office of Permit Assistance. The Office of Permit Assistance
- 5 shall develop guidelines providing technical assistance to local

1 agencies for the establishment and operation of an expedited
2 development permit process, consistent with paragraph (2) of
3 subdivision (a) of Section 65923.4. The guidelines shall include,
4 but not be limited to, all of the following ~~elements~~ *components* of
5 a local permit process:

6 (1) An administrative entity in each city or county with a
7 population of 100,000 or more that shall serve as an applicant's
8 single point of contact with the city or county with respect to all
9 applications and permits required by the city or county for the
10 applicant's commercial or industrial development project, as
11 specified in Section 65947.

12 (2) A referral process that may do any or all of the following:

13 (A) Refer the applicant to the appropriate local agencies and
14 local agency officials to resolve problems and to fulfill
15 requirements.

16 (B) Refer the applicant to cities within the county which have
17 review, comment, or conditional permit power over the proposed
18 project.

19 (C) Assign the local agency's administrative entity, or another
20 individual or entity designated by the local agency, to be
21 responsible for guiding the applicant through all local permitting
22 requirements.

23 (3) A consolidated project information form that will collect
24 the information required to complete all permits for the
25 development project ~~required by all local agencies with~~
26 ~~development permitting responsibilities.~~

27 (4) A method for tracking the progress of development permit
28 applications through the permitting process that may include the
29 identification of a staff person responsible for monitoring permits.

30 (5) A process for determining whether the consolidated project
31 information form is complete upon its submission. ~~As part of this~~
32 ~~process, if the local agency determines necessary information is~~
33 ~~missing, it shall send a written statement of the specific information~~
34 ~~that is missing to the applicant.~~

35 (6) Timetables for action on specified types of permit
36 applications.

37 (7) An expedited appeal process to ensure fair treatment to the
38 applicant using existing agencies, staffs, commissions, or boards,
39 where possible.

1 (8) A variety of administrative mechanisms that describe the
2 least costly approaches for implementing these guidelines in a
3 variety of local circumstances.

4 (b) In developing the guidelines, local variations in population,
5 rate of growth, types of proposed development projects, geography,
6 and local government structure shall be recognized.

7 SEC. 2. Section 65923.1 is added to the Government Code, to
8 read:

9 65923.1. Except as otherwise provided by law, the guidelines
10 established by the Office of Permit Assistance pursuant to Section
11 65923 shall be advisory in nature and shall not constitute a mandate
12 on local agencies to take any of the actions contained therein.

13 SEC. 3. Section 65923.2 is added to the Government Code, to
14 read:

15 65923.2. Upon appropriation by the Legislature, the Office of
16 Permit Assistance shall provide grants and technical assistance to
17 cities and counties for the establishment of an expedited
18 development permit process according to the guidelines developed
19 pursuant to Section 65923. Any city or county receiving a grant
20 shall enact an ordinance adopting an expedited development permit
21 process according to the guidelines within 10 months of the date
22 of receipt of the grant. Nothing in this section or Section 65923
23 shall preclude a city or county not receiving a grant from
24 developing and establishing its own expedited development permit
25 process.

26 SEC. 4. Section 65923.3 is added to the Government Code, to
27 read:

28 65923.3. The Office of Permit Assistance shall ensure that all
29 state agencies comply with applicable requirements of this chapter.

30 SEC. 5. Section 65923.4 is added to the Government Code, to
31 read:

32 65923.4. (a) The Office of Permit Assistance in the Office of
33 Planning and Research shall do both of the following:

34 (1) Provide information to developers explaining the permit
35 approval process at the state and local levels, or assisting them in
36 meeting the requirements of the California Environmental Quality
37 Act (Division 13 (commencing with Section 21000) of the Public
38 Resources Code). *The assistance provided pursuant to this*
39 *paragraph shall be purely technical in nature, and neither the*
40 *Office of Permit Assistance nor the state shall incur any liability*

1 *as a result of the provision of assistance pursuant to this*
2 *paragraph.*

3 (2) Assist state and local agencies in streamlining the permit
4 approval process at the state and local levels.

5 (b) The Office of Permit Assistance may call a conference of
6 parties *at the state level* to resolve questions or mediate disputes
7 arising from a permit application for a proposed development
8 project.

9 (c) (1) The Office of Permit Assistance may charge an applicant
10 for a development project a fee not to exceed the estimated
11 reasonable cost of providing the services performed pursuant to
12 this section. Prior to levying or charging a fee pursuant to this
13 paragraph, the office shall adopt or amend regulations to provide
14 for the fee in accordance with the Administrative Procedure Act
15 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
16 Division 3 of Title 2).

17 (2) Upon request, the office shall make available data indicating
18 the cost, or estimated cost, of providing the services performed
19 pursuant to this section, and the revenue sources anticipated to
20 cover the cost of performing the services, including any general
21 or special fund revenues.

22 SEC. 6. Article 4 (commencing with Section 65946) is added
23 to Chapter 4.5 of Division 1 of Title 7 of the Government Code,
24 to read:

25

26 Article 4. Single Administrative Entity

27

28 65946. (a) The Office of Permit Assistance in the Office of
29 Planning and Research, in consultation with the Natural Resources
30 Agency and the California Environmental Protection Agency, shall
31 develop a consolidated project information form to be used by
32 applicants for development projects. This form shall collect
33 sufficient information to allow each state agency with development
34 project permitting responsibilities to use the form to determine
35 whether or not the project will be subject to its permitting
36 requirements.

37 (b) An applicant for a development project may submit a
38 completed consolidated project information form to the Office of
39 Permit Assistance for distribution to the state agencies that have
40 permitting requirements for development projects. The office shall

1 send copies of the completed form to the appropriate agencies
2 within 15 days of receipt.

3 (c) Within 30 days of receipt of the completed form from the
4 Office of Permit Assistance, each agency shall notify the office in
5 writing of its determination as to whether a permit is potentially
6 required from that agency, and if a permit is potentially required
7 from that agency, the agency shall send the office the appropriate
8 permit application forms.

9 (d) Within 15 days of receipt of all the agencies' determinations,
10 and the appropriate permit application forms, if any, the Office of
11 Permit Assistance shall notify the applicant in writing of any
12 permits required by those agencies for the project, and shall send
13 the applicant any permit application forms received.

14 (e) (1) The Office of Permit Assistance may charge an applicant
15 a fee not to exceed the estimated reasonable cost of providing the
16 services performed pursuant to this section. Prior to levying or
17 charging a fee pursuant to this paragraph, the office shall adopt or
18 amend regulations to provide for the fee in accordance with the
19 Administrative Procedure Act (Chapter 3.5 (commencing with
20 Section 11340) of Part 1 of Division 3 of Title 2).

21 (2) Upon request, the office shall make available data indicating
22 the cost, or estimated cost, of providing the services performed
23 pursuant to this section, and the revenue sources anticipated to
24 cover the cost of performing the services, including any General
25 Fund or special fund revenues.

26 65947. (a) (1) Upon the request of an applicant, a city, county,
27 or city and county with a population of 100,000 or more shall
28 designate, and provide for, an administrative entity to serve as the
29 applicant's single point of contact with the local agency with
30 respect to all applications and permits required by the local agency
31 for the applicant's commercial or industrial development project.
32 The administrative entity shall provide the applicant information
33 regarding the status of, and coordinate the review and
34 decisionmaking process with respect to, the applications and
35 permits required by the local agency for the development project.

36 (2) Upon the request of the applicant, the administrative entity
37 shall coordinate with the Office of Permit Assistance with respect
38 to any applications or permits required by the state for the
39 development project.

1 ~~(3) Upon the request of the applicant, the administrative entity~~
2 ~~may coordinate the review and decisionmaking process with~~
3 ~~affected special districts and the administrative entities designated~~
4 ~~by the legislative bodies of other local agencies, in the jurisdiction~~
5 ~~of which the application for approval of the development project~~
6 ~~is also being considered, in order to facilitate concurrent processing~~
7 ~~within those jurisdictions.~~

8 (b) For purposes of this section, “administrative entity” means
9 a person or agency designated by the legislative body of a city,
10 county, or city and county pursuant to paragraph (1) of subdivision
11 (a).

12 (c) A city, county, or city and county may charge a fee to defray
13 costs incurred by the administrative entity that are directly
14 attributable to the services it provides to an applicant pursuant to
15 this section.

16 (d) A city, county, or city and county may adopt, by resolution
17 or ordinance, procedures for the implementation of this section.

18 SEC. 7. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of Section
23 17556 of the Government Code.

24 SEC. 8. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 The continued economic crisis in the state requires immediate
29 attention, and an expedited permit process that allows long-stalled
30 development projects to commence will serve as a basis for new
31 economic development in the state.